DETAILED ACTION

1.   This action is responsive to the following communications: RCE filed 05/29/2008.

2.   Claims 1-18 are pending in the case.

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for

continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed on 05/29/2008 has been entered.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent
therefore, subject to the conditions and requirements of this title.

Claims 1-7, 11-12 and 16-18 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. The language of the claims raise a question, as to the

whether the product is entirely software on a signal and does not contain hardware elements that

are intertwined with the functional material to create a transformation and a result.

        With regard to **claims 1-6,** the claims recite a system but do not recite the hardware
elements to provide the functionality of a machine, apparatus or article of manufacture. Therefore,
the claims are rejected because they do not fall within one of the four classes of invention. Claim
7, is an example system claim that is acceptable as it claims the server.

        With regard to claims **11-12, and 16-18** claims 11-12 refer to a client and 16-18 refer to
program, both sets recite software. MPEP 2106 is clear where claims do not recite the requisite
hardware to functionally intertwine the medium or hardware with the recited elements then the
claims are considered non-statutory. The communication unit and editing units are considered
software.

To expedite a complete examination of the instant application the claims rejected under 35

U.S.C 101 (nonstatutory) above are further rejected as set forth below in anticipation of

applicant amending these claims to place them within the four statutory categories of

invention.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b),
by another filed in the United States before the invention by the applicant for patent or (2) a
patent granted on an application for patent by another filed in the United States before the
invention by the applicant for patent, except that an international application filed under the treaty
defined in section 351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the United States and
was published under Article 21(2) of such treaty in the English language.

6.   **Claims 11, 12, 14, 15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by**

DeWeese et al. (Publication No. 2005/0262542).

As to **claim 11,** DeWeese et al. teaches:

A client (see e.g., Fig. 2A), comprising: a communication unit (see e.g., para. [0059]; i.e.,

DOCSIS modem) transmitting/receiving data to/from a sever (see e.g., para. [0061]; i.e., client

server architecture, wherein the set-top box sends data request to the server and the server

sends the results back to the set-top box for processing, display, or storage) or each client

through a network (see e.g., para. [0051]; i.e., communication link 18); and a multimedia

electronic tag editing unit (see e.g., para. [0119]; i.e., set-top box) displaying a comment (see

e.g., Fig. 16 and para. [0119]) with attribute data (see e.g., Fig. 16 and para. [0119]; i.e., attribute

data, such as a users name, is displayed next to each comment in quadrant 316 and 317)

attached to each scene of multimedia data (see e.g., Fig. 16 and para. [0119]; i.e., "Monica

Lewinsky's Testimony" and "Bill'Clinton's Impeachment) corresponding to a multimedia electronic

tag (see e.g.,'Fig. 16 and para. [0119]), using the multimedia electronic tag obtained from a

server or another client (see e.g., para. [0098]; i.e., real-time communication and TV programs

are stored on chat server located in television distribution facility, wherein communication paths

can route the data to user television equipments), and simultaneously enabling a comment to be

inputted to an arbitrary scene (see e.g., Fig. 16 para. [0093] and para. [0094]; i.e., television

program 202 and chat room region 206 are displayed simultaneously for comment input, wherein

a comment is inputted by pressing the Send button or other suitable buttons. Furthermore, the

user is able to toggle between the chat group of "Monica Lewinsky's Testimony" and "Bill Clinton's

Impeachment") or a comment and updating the content of the multimedia electronic tag, based

on the input (see e.g., Fig. 16 and para. [0094]; i.e., comments are inputted by using the Send

button and other suitable buttons, wherein the actuation of the button will update the chat

groups), wherein said multimedia electronic tag includes text data (see e.g., Fig. 16), and said

multimedia electronic tag is added with the multimedia data which includes audio data and video

data (see e.g., para. [0119], lines 13 - 20; video image and audio messages).

As to **claim 12,** DeWeese et al. teaches:

The client according to claim 11, further comprising: a format conversion unit converting a format

of the multimedia electronic tag into a format for synchronizing/reproducing the multimedia data

and comment thereof (see e.g., para. [0064]; i.e., the set-top box maybe configured to play back

the chat session in a format selected by the user); and a multimedia synchronous reproduction

unit (see e.g., para. [0093]; i.e., set-top box) synchronizing and displaying multimedia data and

comments corresponding to each scene of the multimedia data (see e.g., Fig. 16 para. [0093] and

para. [0094]; i.e., chat room 206 is simultaneously displayed with television program 202, wherein

comments can be simultaneously inputted while watching the television program).

As to **claim 14,** DeWeese et al. teaches:

A computer-readable storage medium (see e.g., para. [0059]; i.e., memory 25) that records a

program (see e.g., para. [0059]; i.e., program listing data) enabling a computer (see e.g., Fig. 1;

i.e., television equipment 20) to execute a process (see e.g., para. [0058]; i.e., user television

equipment 20 act as a client processor), the process comprising: displaying a comment (see e.g.,

Fig. 16 and para. [0119]; i.e., quadrant 316 and 317) with a variety of attributes (see e.g., Fig. 16;

i.e., name of user inputting comment in quadrant 316 and 317) of a writer user attached to each
scene of multimedia data (see e.g., Fig. 16 and para. [0119]; i.e., "Monica Lewinsky's Testimony"
and "Bill Clinton's Impeachment) corresponding to a multimedia electronic tag (see e.g., Fig. 15 -
16 and para. [0117]; i.e., generating of a multimedia electronic tag is accomplished by pressing
options 302, 304, 306, and 308 to display television display screen 295), using the multimedia
electronic tag obtained from a server or another client (see e.g., para. [0061]; i.e., client server
architecture, wherein the set-top box sends data request to the server and the server sends the
results back to the set-top box for processing, display, or storage), and simultaneously enabling a
comment to be inputted to an arbitrary scene (see e.g., Fig. 16 para. [0093] and para. [0094]; i.e.,
television program 202 and chat room region 206 are displayed simultaneously for comment
input, wherein a comment is inputted by pressing the Send button or other suitable buttons.
Furthermore, the user is able to toggle between the chat group of "Monica Lewinsky's Testimony"
and "Bill Clinton's Impeachment") or a comment (see e.g., Fig. 16; i.e., quadrant 316 and 317)
and updating a content of the multimedia electronic tag, based on the input (see e.g., Fig. 16 and
para. [0094]; i.e., comments are inputted by using the Send button and other suitable buttons,
wherein the actuation of the button will update the chat groups), wherein said multimedia
electronic tag includes text data (see e.g., Fig. 16), and said multimedia electronic tag is added
with the multimedia data which includes audio data and video data (see e.g., para. [0119], lines
13 - 20; video image and audio messages).

As to **claim 15,** DeWeese et al. teaches:

A computer-readable storage medium (see e.g., para. [0059]; i.e., memory 25) that records a
program (see e.g., para. [0059]; i.e., program listing data) enabling a computer (see e.g., Fig. 1;
i.e., television equipment 20) to execute a process (see e.g., para. [0058]; i.e., user television
equipment 20 act as a client processor), the process comprising:converting the format of a
multimedia electronic tag (see e.g., para. [0064]; i.e., the set-top box may be configured to play
back the chat session in a format selected by the user) obtained from a server or another client or
a multimedia electronic tag (see e.g., para. [0060] and para. [0061]; i.e., client server architecture,

wherein the set-top box sends data request to the server and the server sends the results back to

the set-top box for processing, display, or storage) after update into a format for

synchronizing/reproducing multimedia data corresponding to the multimedia electronic tag (see

e.g., Fig. 16 para. [0093] and para. [0094]; i.e., chat room 206 is simultaneously displayed with

television program 202, wherein comments can be simultaneously inputted while watching the

television program) and a comment on each scene of the multimedia data described in the

multimedia electronic tag (see e.g., Fig. 16; i.e., the name of each user is displayed with the

associated comment within display screen 295), wherein said multimedia electronic tag includes

text data (see e.g., Fig. 16), and said multimedia electronic tag is added with the multimedia data

which includes audio data and video data (see e.g., para. [0119], lines 13 - 20; video image and

audio messages).

As to **claim 17:**

Claim 17 contains substantially similar subject matter as previously discussed with respect to

claim 14 above. Thus, claim 17 is rejected along the same rationale.

As to **claim 18:**

Claim 18 contains substantially similar subject matter as previously discussed with respect to

claim 15 above. Thus, claim 18 is rejected along the same rationale.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as
set forth in section 102 of this title, if the differences between the subject matter sought to be
patented and the prior art are such that the subject matter as a whole would have been obvious
at the time the invention was made to a person having ordinary skill in the art to which said
subject matter pertains. Patentability shall not be negatived by the manner in which the invention
was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or
       nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under

35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to

the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a later invention was

made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   **Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

DeWeese et al. (Publication No. 2005/0262542) in view of Feig et al. (Publication No.

2002/0085713), in further view of Bates et al. (6865713) filed Aug. 7, 1998.

As to claim 1, DeWeese et al. teaches a multimedia cooperative work system (see e.g., Fig. 1A;

chat system 10), comprising: generating a model of a multimedia electronic tag (see e.g., Fig. 15

- 16 and para. [0117]; i.e., generating of a multimedia electronic tag is accomplished by pressing

options 302, 304, 306, and 308 to display television display screen 295) in which display of a

comment and attribute data (see e.g., Fig. 16 and para. [0119]; i.e., textual real-time

communication and the screen name, such as "Connie", "Robin", "Bill" and "Bob" are comments

and attribute data displayed on television display screen 295) thereof/comment input in tree-

shape structure structure (see e.g., Fig. 16; i.e., each comment by a user is appended to the

previous comment, wherein the indentation of each comment resembles a tree hierarchy to

identify the owner of the comment. Furthermore, the comments are appended to comments in

term of time, therefore resembling a hierarchy of comments) is possible for each scene (see e.g.,

para. [0119] and para. [0120], lines 17 - 25; i.e., "Clinton' s Impeachment" and "Lewinsky's

Testimony" are a plurality of scenes during a news program) of multimedia data (see e.g., para.

[0119]; i.e., television program), a registration of which is requested by an arbitrary client in a

server (see e.g., para. [0060] and para. [0062]; i.e., client-server arrangement and invoking a chat

application) and obtaining the multimedia data in terms of time (see e.g., para. [0100] and para.

[0120]; i.e., chat sessions and TV programs are concurrently recorded in regards to time zones,

wherein a user at a different time zone is later allowed to retrieve the chat session while viewing

the broadcast TV program in his/her time zone. Furthermore, a chat group occurs concurrently

during the duration of the news program, and can continue beyond the end of the news program

or talk show); and exchanging comments on each scene among a plurality of clients (see e.g.,

Fig. 16; comments are made in quadrant 316 and 317), including the requesting client (see e.g.,

para. [0119]; i.e., allowing the user to participate in a plurality of chat groups concurrently), using

the multimedia electronic tag (see e.g., set-top box application displayed on television display

screen 295), thereby realizing multimedia cooperative work (see e.g., para. [0119]; i.e.,

participating concurrently in a plurality of shat groups of a news program topic), wherein said

multimedia electronic tag includes text data (see e.g., Fig. 16), and said multimedia electronic tag

is added with the multimedia data which includes audio data and video data (see e.g., para.

[0119], lines 13 - 20; video image and audio messages). DeWeese et al. does not specifically

mention dividing the multimedia data in terms of time. Feig et al. teaches dividing the multimedia

data in terms of time (see e.g., para. [0017]; i.e., the multimedia file 102 is divided into sequential

data blocks in terms of minutes).

DeWeese in view of Feig does not expressly teach obtaining the multimedia data and

corresponding tag from the server and requesting the tag from the server for updating comments

obtained from the tag.

However, Bates teaches the use of comment tags and retrieving both the tag and media from the

server (See figure 2), as the comments are provides via a URL address and returned as a list to

the used(See also figure 13 and column 10, lines 44-67). Bates teaches the comment **tags** are

places within the document (See column 16, lines 45-67) and the system retrieves the tags by

association to a given URL (See column 17, lines 1-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made having the teachings of DeWeese, Feig and Bates in front of them, to incorporate the

cooperative work system of DeWeese et al. with dividing multimedia data in terms of time of Feig

et al. to include the comment tags of Bates, to allow a system that can retrieve media parts and

comments that are tagged by the user. The motivation to combine DeWeese, Feig and Bates

comes from the suggestion in Bates to save time by providing user knowledge about a document

so that the user can make an informed decision prior to browsing a document (See column 3,

lines 1-15).

As to **claim 2**, DeWeese et al. teaches the multimedia cooperative work system according to

claim 1, wherein each said client further comprises an electronic tag editing unit (see e.g., Fig. 1A

and para. [0060]; i.e., set-top box 26 contains a processor for implementing interactive

television guide applications and chat features) displaying a comment display/input screen (see

e.g., Fig. 16), using a multimedia electronic tag obtained from the server or another client (see

e.g., para. [0058]; i.e., chat equipment 22 and television equipment 20 are structured in a client-

server arrangement for supporting real-time communication).

As to **claim 3**, DeWeese et al. teaches the multimedia cooperative work system according to

claim 1, wherein each said client further comprises a format conversion unit converting a format

of the multimedia electronic tag (see e.g., para. [0064], lines 10 - 12; i.e., chat sessions can be

played back in a format selected by a user) into a format in which the multimedia data and a

comment aggregate of each scene of the multimedia data can be synchronized/reproduced (see

e.g., para. [0064] and para. [0120]; i.e., the chat session is played back as an overlay on top of

the program, or the shat session may be displayed concurrently on the TV screen).

As to **claim 4,** DeWeese et al. teaches the multimedia cooperative work system according to

claim 1, wherein the attribute data include at least one of a comment writer name (see e.g., Fig. 16; i.e., comment writer's name, such as "Connie", "Robin", "Bill" and "Bob"), a comment generation date and a comment adding destination.

As to **claim 5,** DeWeese et al. teaches the multimedia cooperative work system according to claim 2, wherein a publication destination of the comment can be selected (see e.g., Fig. 16 and para. [0119]; i.e., the user can participate in a plurality of chat groups concurrently, such as chat groups displayed in quadrant 316 and 317) and designated in the comment display/input screen (see e.g., Fig. 16 and para. [0119]; i.e., the comment of the user is displayed in chat group 316 or 317, depending on the users current desire in discussion topic), the multimedia electronic tag is updated by adding description on the publication destination (see e.g., Fig. 16; i.e., group chat 316 and 317 are updated with user comments), the multimedia electronic tag after the update is stored in the server (see e.g., para. [0064]; i.e., recording of the text, audio, video, or a combination therefor can be stored on a remote server), the server further comprises an electronic tag communication unit transmitting a multimedia electronic tag without comment (see e.g., Fig. 13; i.e., a program 271 is displayed without any comments by a user), the publication destinations of which are designated (see e.g., para. [0132] and para. [0133]; i.e., region 383 and region 390 are regions for designating who is blocked from chat request and who are allowed for group chats, in which request for chat is sent), to the requesting client if the client requesting the transmission of the multimedia electronic tag is not included in the publication destinations (see e.g., para. [0133]).

As to **claim 6,** this claim is analyzed with respect to claim 1 as previously discussed above. DeWeese et al. and Feig et al. do not specifically mention the multimedia electronic tag is described in XML. Bates et al. teaches the format can be any html compatible data, which XML is compatible with HTML. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the multimedia cooperative work system and multimedia electronic tag of DeWeese et al. as modified by dividing multimedia data in terms of

time of Feig et al. with the multimedia electronic tag described in XML of Bates to provide a

system that can describe the comments in a variety of markup languages. The motivation to

combine comes from the suggestion in Bates that a wide variety of formats can be used to

express comment data in an interface (See column 8, lines 1-15).

8. **Claims 7 - 9, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

DeWeese et al. (Publication No. 2005/0262542) in view of Feig et al. (Publication No.

2002/0085713).

As to **claim 7,** DeWeese et al. teaches, a multimedia cooperative work system (see e.g., Fig. 1)

exchanging a comment (see e.g., Fig. 16 and para. [0119]; i.e., group chat quadrant 316 and

317) on arbitrary multimedia data (see e.g., Fig 16 and para. [0119]; i.e., "New Program",

"Lewinsky's Testimony", and "Clinton's Impeachment") among a plurality of clients (see e.g., Fig.

2B) through a server (see e.g., Fig. 2B; i.e., server 91), wherein the server (see e.g., Fig. 2B; i.e.,

server 91), comprising: a multimedia communication unit (see e.g., para. [0053]; i.e., main facility

12) assigning an identifier to multimedia data (see e.g., para. [0053] and para. [0055]; i.e., main

facility 12 and television distribution facility assigns identifiers to multimedia data to television

equipment 20 via the communication path 24, wherein program times, channels, titles,

descriptions, etc. are defined as multimedia identifiers) requested by an arbitrary client (see e.g.,

para. [0057], lines 1 -4; i.e., real-time communication of chat request between the user television

equipment devices) and returning the identifier to the requesting client (see e.g., para. [0057] and

para. [0058]; i.e., the facility establishes a forum for real-time communication called television

chat groups using chat equipment 22 such as a chat server); a multimedia storage unit storing the

multimedia data (see e.g., para. [0051]; i.e., database 14 holds program guide information,

wherein the multimedia data within database 14 contains program guide listing for user requests);

a management finit (see e.g., para. [0130] and para. [0131]; i.e., set-top box controls and

manages the reception of request for joining a chat session, such a allowing and blocking of

messages for joining a chat session) obtaining electronic mail (see e.g., para. [0086]; i.e., chat

system allows a user to search for chat buddies by means of e-mail), by which the registration

requesting client notifies other clients of the identifier of the multimedia data (see e.g., para.

[0088], para. [0127] and para. [0137]; i.e., a user may send a chat request to other users when

watching a related television program, such as the sitcom Seinfeld. Further, the user can send

chat request of a related program by choosing particular people from an address book) obtaining

member data from a destination address of the electronic mail (see e.g., para. [0137]; i.e., the

member data for sending a request to join a chat of a particular program is obtained from the

address book, wherein the request is sent to the server and the server further identifies who to

send the request to) and storing/managing the member data in relation to the identifier of the

multimedia data (see e.g., para. [0136] and para. [0138]; i.e., the address book is stores user

names and address of users that are usual participants of the weekly sitcom, therefore, only

sending a chat request to only these users); an electronic tag model generation unit (see e.g.,

para. [0060]; i.e., set-top box 26 contains a processor for generating and displaying television

programs on the display) generating a model of a multimedia electronic tag (see e.g., Fig. 16 and

para. [0060]; i.e., set-top box 26 contains a processor, wherein the processor is used to

implement interactive television program guide applications, such as the one depicted in Fig, I 6)

in which a comment can be inputted to each scene (see e.g., Fig. 16; i.e., each scene of"News

Program", such as "Monica Lewinsky's Testimony" and "Bill Clintons Impeachment" has a

corresponding chat group used for discussing the topic) and obtaining the multimedia data in

terms of time (see e.g., para. [0100] and para. [0120]; i.e., chat sessions and TV programs are

concurrently recorded in regards to time zones, wherein a user at a different time zone is later

allowed to retrieve the chat session while viewing the broadcast TV program in his/her time zone.

Furthermore, a chat group occurs concurrently during the duration of the news program, and can

continue beyond the end of the news program or talk show), in tree-shape structure (see e.g.,

Fig. 16; i.e., each comment by a user is appended to the previous comment, wherein the

indentation of each comment resembles a tree hierarchy to identify the owner of the comment),

based on the multimedia data and data stored/managed by the management unit (see e.g., para.

[0061]; i.e., the server stores multimedia data, wherein the request by set-top box 26 will result in

the server sending the data back to set-top box 26 for processing), assigning an identifier to the

multimedia electronic tag (see e.g., para. [0064] and para. [0066]; i.e., the recorded TV program

with associated chat session is stored on a DVD device, wherein the program guide displays

program listings on television 30. The program listings of the program guide corresponds to

assigning identifiers to a TV program and associated chat session for future playback) and

enabling the management unit to store/manage the identifier in relation to the multimedia data

identifier (see e.g., para. [0064] and para. [0066]); and an electronic tag storage unit (see e.g.,

para. [0064]; i.e., DVD device) storing the electronic tag model (see e.g., para. [0064] - para.

[0066]; i.e., program listings are a model of the recorded TV program and chat session) and also

storing the multimedia electronic tag if an arbitrary comment is added based on the electronic tag

model (see e.g., para. [0064] - para. [0066]; i.e., TV programs and chat sessions, wherein

comments are added in a chat session, are stored on VCR 28 or a DVD device for future

playback), and a client of each member (see e.g., Fig. 2B; i.e., plurality of user television

equipment 97), including the registration requester (see e.g., Fig. 2B; i.e., one of the plurality of

television requester 97 corresponds to a registration requester), comprising: an electronic tag

communication unit (see e.g., para. [0059]; i.e., DOCSIS modem is used in two-way

communication for sending and receiving data for program guides) obtaining a multimedia

electronic tag (see e.g., Fig. 16 and para. [0060]; i.e., program guide information is distributed to

set-top box 26 by a DOCSIS modem) from the server (see e.g.~ para. [0059]; i.e., two-way

communication to and from the server) using the multimedia data identifier (see e.g., para. [0060]

and para. [0061]; i.e., client of set-top box 26 sends a request by selecting an identifier from the

program guide, wherein the server returns the data to set-top box 26 for processing, displaying,

and storage); an electronic tag editing unit (see e.g., para. [0060] and para. [0066]; i.e., television

equipment 20 includes set-top box 26 and a processor to handle processing and displaying of

real-time communication and chat request on television 30) generating and displaying a comment

editing screen (see e.g., Fig. 16 and para. [0119]; i.e., television display screen displays editing

screen, such as quadrant 316 and 317) by which a comment on an arbitrary scene of the

multimedia data (see e.g., Fig. 16 para. [0119] and para. [0150]; i.e., the user may view the

television program and the chat session simultaneously, while commenting of the scene) or a

comment on a comment can be inputted using the multimedia electronic tag (see e.g., Fig. 16

para. [0150]); a format conversion unit (see e.g., para. [0114]; i.e., the set-top box contains a

format conversion unit for decoding) converting a format of the multimedia electronic tag into a

multimedia synchronous reproduction format (see e.g., Fig. 16 and para. [0150]; i.e., the chat

group and the television program are simultaneously reproduced); and a synchronous

reproduction unit (see e.g., para. [0150]) synchronizing/reproducing the multimedia data and

comment using the conversion result of the format conversion unit (see e.g., para. [0150]; i.e., the

set-top box allows simultaneous synchronization of chat sessions and television programs),

wherein said multimedia electronic tag includes text data (see e.g., Fig. 16), and said multimedia

electronic tag is added with the multimedia data which includes audio data and video data (see

e.g., para. [0119], lines 13 - 20; video image and audio messages). DeWeese et al. does not

specifically mention dividing the multimedia data in terms of time. Feig et al. teaches dividing the

multimedia data in terms of time (see e.g., para. [0017]; i.e., the multimedia file 102 is divided into

sequential data blocks in terms of minutes). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the cooperative work

system of DeWeese et al. with dividing multimedia data in terms of time of Feig et al. because the

delivery of encoded sequential data blocks of multimedia data are sent to the client and further

decrypted by using cryptographic token keys obtained from the server, which therefore allows the

server to control the playback of the multimedia file (see e.g., para. [0010] and para. [0011]).

As to **claim 8**, DeWeese et al. teaches a server (see e.g., Fig. 2B; i.e., server 91), comprising: a

communication unit (see e.g., para. [0051] and para. [0057]; i.e., chat server 22 resides in facility

16, wherein it is appreciated by one of ordinary skill in the art that the communication of

information from database 14 to facility 16, such as link 18, a communication unit is present for

the two-way communication) transmitting/receiving data to/from each client through a network

(see e.g., Fig. 1 and para. [0059]; DOCSIS modem is sued for two-way communication to and

from the server by using communications path 24, communications path 82, communications

path 101, etc.); and a multimedia electronic tag model generation unit (see e.g., para. [0055] and

para. [0061]; i.e., television distribution facility 16 distributes program guide data and other

information to the user television equipment 20, wherein the set-top box sends a request to the

server and receives television programs and chat session from the server) generating a model of

a multimedia electronic tag in which display of a comment and attribute data (see e.g., Fig. 16

and para. [0071]; i.e., chat server 90 in television distribution facility 16 generates the television

program, and chat session to send to user set-top box) thereof/comment input in tree-shape

structure (see e.g., Fig. 16; i.e., each comment by a user is appended to the previous comment,

wherein the indentation of each comment resembles a tree hierarchy to identify the owner of the

comment. Furthermore, the comments are appended to comments in term of time, therefore

resembling a hierarchy of comments) is possible for each scene (see e.g., paa. [0119] and para.

[0120], lines 17 - 25; i.e., "Clinton's Impeachment" and "Lewinsky's Testimony" are a plurality of

scenes during a news program) obtaining multimedia data (see e.g., para. [0100] and para.

[0120]; i.e., chat sessions and TV programs are concurrently recorded in regards to time zones,

wherein a user at a different time zone is later allowed to retrieve the chat session while viewing

the broadcast TV program in his/her time zone. Furthermore, a chat group occurs concurrently

during the duration of the news program, and can continue beyond the end of the news program

or talk show) requested by an arbitrary client in a server (see e.g., para. [0061]; i.e., two-way

communication, wherein the server can store data and send the results of the request back to the

set-top box for further processing, display, or storage), wherein said multimedia electronic tag

includes text data (see e.g., Fig. 16), and said multimedia electronic tag is added with the

multimedia data which includes audio data and video data (see e.g., para. [0119], lines 13 - 20;

video image and audio messages). DeWeese et al. does not specifically mention dividing the

multimedia data in terms of time. Feig et al. teaches dividing the multimedia data in terms of time

(see e.g., para. [0017]; i.e., the multimedia file 102 is divided into sequential data blocks in terms

of minutes). Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to incorporate the cooperative work system ofDeWeese et al. with

dividing multimedia data in terms of time ofFeig et al. because the delivery of encoded sequential

data blocks of multimedia data are sent to the client and further decrypted by using cryptographic

token keys obtained from the server, which therefore allows the server to control the playback of

the multimedia file (see e.g., para. [0010] and para. [0011]).

As to **claim 9**, DeWeese et al. teaches the server according to claim 8, further comprising a

member management unit obtaining member data (see e.g., para. [0075] - [0077]; i.e., the user

profile screen 120 obtains member data of the user using the set-top box, wherein the profile 120

can be stored on a server), which aredata on a user engaging in the multimedia data cooperative

work (see e.g., Fig. 4 and para. [0075] - para. [0077]), from electronic mail by which the

registration requesting client notifies other clients of the identifier of the multimedia data (see e.g.,

[0082]; i.e., display screen 160 is useful for sending out chat request to users who have similar

interest in programs, channels, or categories of programs), and managing the member data in

relation to the multimedia data and multimedia electronic tag (see e.g., Fig. 19 and para. [0130];

i.e., display screen 360 includes address book and a plurality of options to send chat request,

wherein display 360 is used to manage member data in relations to common TV programs of

interest), wherein said multimedia electronic tag model generation unit generates the multimedia

electronic tag model using the data managed by the management unit (see e.g., para. [0130] and

para. [0133]; i.e., upon selection of an option displayed on display screen 360, a chat session and

TV program will be generated).

As to claim 13:

Claim 13 contains substantially similar subject matter as previously discussed with respect to

claim 1 above. Thus, claim 13 is rejected along the same rationale.

As to **claim 16**, claim 16 differ from claim 1 only in that claim 16 is an apparatus claim using a

program (see e.g., para. [0059]; i.e., program listing data) that is executed (see e.g., para. [0058]; i.e., user television equipment 20 act as a client processor) to perform the steps of claim 1. Thus, claim 16 is analyzed with respect to claim 1 as previously discussed above.

9.   **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeWeese et al. (Publication No. 2005/0262542) in view of Feig et al. (Publication No. 2002/0085713) and further in view of Maurille et al. (Patent No. 6,484,196).**

As to **claim 10,** DeWeese et al. does not specifically mention the server according to claim 8, wherein, a publication destination and expiration date of a comment are described as attribution data of the comment in the multimedia electronic tag, and further comprising a multimedia electronic tag modification/communication unit deleting an overdue comment from a multimedia electronic tag. Maurille et al. teaches a publication destination (see e.g., Fig. 4B; i.e., Recipient 256 corresponds to the recipient to which the post is to be sent) and expiration date of a comment are described as attribution data (see e.g., col. 12, lines, 31 - 46; i.e., messages are displayed until they expire and are automatically deleted) of the comment (see e.g., Fig. 4B; i.e., each post has attributes associated with the post), and further comprising a multimedia electronic tag modification/communication unit deleting an overdue comment from a multimedia electronic tag (see e.g., Fig. 1 and col. 8, line 43; i.e., ExpiryDate is a flag that resides in PMB Database on the server side and is further invoked to delete overdue messages from the multimedia electronic tag). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the cooperative work system of DeWeese et al. as modified by dividing multimedia data in terms of time ofFeig et al. with a publication destination and expiration date of a comment are described as attribution data of the comment in the multimedia electronic tag, and further comprising a multimedia electronic tag modification/communication unit deleting an overdue comment from a multimedia electronic tag of Maurille et al. because the deletion of the overdue comment allows the display to be less cluttered and obscured.

Inquiries

Response to Arguments

Applicant's arguments filed 05/29/2008 have been fully considered but they are not persuasive.

Applicant's amendment to claims 1-6 provides the support for new grounds of rejection above. All

Other arguments appear to be directed to the new limitations and are moot in light of the new

grounds of rejection.

Applicant argues that claims 11-12 are distinguished over the art because the system can allow

for tag retrieval when it is offline. The feature to which applicant argues is not recited in the claims

and perhaps applicant can recite the feature so that the examiner can consider the claim as

applicant has argued rather then attempting to import limitations into the claims from the

specification (See argument page 11).

It is also noted that a tag and comment tags are specified in the HTML 2.0 specification (See

http://www.w3schools.com/tags/tag_comment.asp) and in broad terms a tag can mean a variety

of things. By broadly claiming an electronic tag, the examiner must interpret the plain meaning of

the limitation as is understood by one of ordinary skill in the art. An electronic tag can mean a

mark, annotation, note, keyword, metadata attachment, etc that can be associated with a data

structure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to STEVEN B. THERIAULT whose telephone number is (571)272-5867. The examiner can

normally be reached on Mon.-Fri. 10 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Patent Examiner
Art Unit 2179